

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,)	CASE NO. 1:17CV2635
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	<u>ORDER</u>
)	
2K GAMES, INC., et al.,)	
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

This matter comes before the Court upon the Joint Notice (ECF DKT #254) of Proposed Filings and Filing Dates. The Court has considered the parties' proposals and arguments and makes the following rulings:

I. The Court seeks some clarification on the presentation of expert testimony to the jury. On or before Monday, February 12, 2024 at 4:00 p.m., Defendants shall show cause how they anticipate the testimony of Dr. Nina Jablonski (as limited by the Court's *Daubert* ruling) will assist the jury in understanding the issues in this case; and particularly, what subject matter is within her area of expertise, yet outside of the jurors' common knowledge. Fed.R.Evid. 702; *Redmond v. United States*, 194 F.Supp.3d 606, 615 (E.D. Mich. 2016) (citing *Daubert*, 509 U.S. at 591-93) (“[E]xpert testimony is not admissible unless it will be helpful to the factfinder.” Expert testimony is not helpful when it is unreliable or irrelevant or “when it merely deals with a proposition that is not beyond the ken of common knowledge.”).

II. The Court will allow contemporaneous supplemental expert reports served by

February 22, 2024; but will not entertain rebuttal expert reports. The parties shall keep in mind that expert testimony will be admitted only if it is relevant to the remaining pending claims and defenses.

III. In view of the scheduling conflicts noted by both parties, the **Final Pre-Trial** is continued from March 21, 2024 to **March 28, 2024 at 2:00 p.m.**

IV. Furthermore, the Court enters the following schedule:

February 22, 2024 – Serve contemporaneous supplemental expert reports, limited to reflect the Court’s Partial Summary Judgment Order and evidence adduced since the previous expert reports were exchanged.

February 29, 2024 – File Amended Trial Briefs; Amended Deposition Designations; Amended Witness and Exhibit List; Amended Jury Instructions; Amended Special Interrogatories and Verdict Form; Amended Preliminary Statement and Stipulations; Omnibus Motions in *Limine*.

March 14, 2024 – File Oppositions to Omnibus Motions in *Limine*; Objections to Deposition Designations.

V. In addition, the parties shall confirm in their respective amended trial briefs their prior consent to have the Magistrate Judge conduct the voir dire of the jury.

IT IS SO ORDERED.

DATE: February 8, 2024

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge